

Members:

Sen. Patricia Miller, Chairperson
Sen. Luke Kenley
Sen. Anita Bowser
Sen. Allie Craycraft
Rep. Vern Tincher
Rep. John Day
Rep. Timothy Brown
Rep. Dean Young



FAMILY AND SOCIAL SERVICES EVALUATION COMMITTEE

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Authority: P.L. 243-1997

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MEETING MINUTES

Meeting Date: October 22, 1998
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St., Room 128
Meeting City: Indianapolis, Indiana
Meeting Number: 9

Members Present: Sen. Patricia Miller, Chair; Sen. Luke Kenley; Sen. Anita Bowser; Sen. Allie Craycraft.

Members Absent: Rep. Vern Tincher; Rep. John Day; Rep. Timothy Brown; Rep. Dean Young.

Sen. Pat Miller, Chair, called the meeting to order at about 10:45 a.m..

Consideration of PD 3394

PD 3394¹ would delay the effective date of a rule, other than an emergency rule, until after the General Assembly has had an entire regular session to review the rule, unless the General Assembly provides for an earlier effective date. The bill draft also requires the Administrative Rules Oversight Commission (AROC) to review rules, including emergency rules, that are filed with the Secretary of State.

Sen. Kenley stated his concerns that: (1) the bill could result in the AROC committee having a heavy workload and (2) the expertise of the various standing and interim study committees would not be utilized. He stated that it might be more practical to have a rule assigned to a specific committee by the leadership and then the committee would be required to take some positive action.

Sen. Miller stated that it is also possible that the standing and interim study committees might then spend their time on rules rather than on potential legislation.

Sen. Kenley added that, with oversight of rule-making, there is also the problem of separation of powers. He suggested that this Committee express its concern to the Legislative Council that there is a problem

¹This document is on file in the Legislative Information Center, Room 230, State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856 and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

with administrative rule-making and that it is a problem that will require a complex solution. He further suggested that the Committee could recommend that the Legislative Council study and recommend a system for legislative oversight of the rule-making process.

Suggested changes to PD 3394 include: (1) a rule would take effect unless the committee recommends to and action is taken by the General Assembly during the following legislative session; (2) deleting SECTION 2 of the draft; and (3) providing that the Legislative Council review and recommend a system for legislative oversight of the rule-making process.

Ms. Karen Davis, Family and Social Services Administration (FSSA), stated that she was encouraged by the changes suggested to the current draft. She had concerns about having to come back frequently to the General Assembly, which is in session only once a year. She added that this would have hampered the agency's effectiveness.

Ms. Lauren Polite, FSSA, indicated that there can also be a problem when providers or citizens must operate when there is uncertainty as to when and whether rules will be implemented.

Consideration of PD 3489

PD 3489² would extend the current administrative structure of the Office of Secretary of Family and Social Services until July 1, 2002. (Current law provides for expiration on July 1, 1999.). The bill creates the eight-member FSSA Evaluation Committee which is to study issues relating to the administrative structure of FSSA. The bill also requires FSSA to implement methods to facilitate the payment of providers and to report to the Legislative Council regarding such methods by July 1, 1999.

Ms. Lauren Polite, FSSA, stated that Ms. Kathy Gifford, Assistant Secretary for the Office of Medicaid Policy and Planning (OMPP) was addressing the reimbursement problems associated with the Medicaid Risk-based Managed Care Program. Ms. Polite inquired as to whether there were other problem areas.

Consideration of PD 3491

PD 3491³ grandfathers certain state employees from the licensing requirements in IC 25-23.6. The bill requires the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board to certify an individual as a mental health counselor, social worker, or clinical social worker as appropriate if the individual: (1) is employed by FSSA, the Department of Correction, or the State Department of Health as of June 30, 1999; and (2) is employed within certain specified job classifications.

The Committee, by consensus, decided the grandfathering date should be January 1, 1999 (rather than June 30, 1999).

Consideration of SC 2001

SC 2001⁴ is a draft of a proposed concurrent resolution urging the establishment of an interim study committee to investigate all aspects of child abuse in Indiana.

Ms. Mary Blocher, Shelbyville, IN

Ms. Mary Blocher testified to the Committee about her daughter, Casey. Casey, at the age of 21 months, was removed from the home by the county office of the Division of Family and Children (DFC) during a six-month time period when Ms. Blocher was hospitalized. The DFC action was a result of accusations

² Copies of this document are on file in the Legislative Information Center (See footnote 1).

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regarding potential abuse by the father. However, Ms. Blocher stated that the abuse was never substantiated.

Casey was in a total of 11 residential placements and had seven different DFC caseworkers over a 2 ½ year period. Casey was prescribed several different medications during this time period. Casey is back home now and is 4 years of age. Ms. Blocher is especially concerned that she doesn't know what all Casey has gone through over the last 2 ½ years. Ms. Blocher also suspects that Casey was abused at one of the foster homes.

Ms. Sally Nye, Indiana Association of Residential Child Care Agencies (IARCCA)

Ms. Sally Nye, IARCCA, testified to the Committee representing 104 residential child care agencies across the state. She stated that she strongly supports the concept of a Commission, rather than an interim study committee, to study child abuse issues. She added that there were several positive changes that came out of the 1992 Commission on Abused and Neglected Children and Their Families. Ms. Nye stated that there were several important issues that could be studied by the commission including: (1) looking at the Division of Family and Children systems that are currently in place; (2) whether standards have changed for providing services; (3) impact on minority families and children; (4) impact of welfare reform initiatives on the abuse and neglect situation; (5) licensure of child caring institutions and foster homes; and (6) staff vacancies in FSSA, especially for licensing consultants.

Ms. Lauren Polite, FSSA

Ms. Lauren Polite, FSSA, stated that FSSA also supports a commission rather than an interim study committee, as well. Ms. Polite distributed copies of HEA 1035 (1992) that established the Commission on Abused and Neglected Children and Their Families⁵. She also distributed copies of a summary of the commission's recommendations and FSSA's response to those recommendations.⁶ Responding to a question as to why FSSA can't deal with the problem rather than have a commission, Ms. Polite stated that FSSA could address the problem on its own, but that child abuse and neglect occurs in a complicated and changing environment and that with the good experiences from the previous commission in 1992, FSSA could benefit from another commission.

Sen. Kenley suggested that a commission will result in all sides of the issues being aired. He added that if a commission is formed, it is critical to review the make-up and to restate the purpose of the commission. He also stated that additional purposes of a commission should include investigation of the due process procedures associated with child abuse and neglect, as well as the issue of problems being handed off from one staff member to another.

Sen. Miller stated that the Legislative Services Agency should staff the commission. She also stated that there is a two-fold problem with child abuse and neglect issues: (1) insuring due process for the parents while (2) insuring swift action for the children.

Sen. Miller asked the Committee if there was consensus to have a commission rather than an interim study committee. Committee members agreed that a commission would be appropriate.

Since a quorum did not exist, no votes were taken on the bill drafts. However, Sen. Miller did request that the changes suggested by the Committee be incorporated into the bill drafts so that Committee members could carry the bills.

Sen. Miller stated that this would be the last meeting of the Family and Social Services Evaluation Committee for this year. There being no further business to discuss, the Committee was adjourned at about 12 p.m.

⁵Copies of this document are on file in the Legislative Information Center (See footnote 1).

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